

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

James O'Dell Walton	§	
	§	
v.	§	C.A. NO. C-06-62
	§	
Brad Livingston, <i>et al.</i>	§	

**MEMORANDUM OPINION AND ORDER DENYING PLAINTIFF'S MOTION  
FOR INJUNCTIVE RELIEF AND DISMISSING CERTAIN CLAIMS**

On February 28, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 5). Objections were timely filed (D.E. 7).


Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, petitioner's motion for injunctive relief (D.E. 4) is denied. Petitioner's claim that grievance personnel wrongfully characterized petitioner's grievances and did not properly consider petitioner's life in danger complaints is dismissed without prejudice. Petitioner's claim that he was denied proper medical treatment is dismissed without prejudice. Petitioner's claim that false disciplinary cases were filed against him is dismissed without prejudice.

Petitioner's challenges to his disciplinary convictions are properly pursued in a habeas corpus proceeding because they attack the fact or duration of his confinement.

*Kutzner v. Montgomery County*, 303 F.3d 339, 341 (5th Cir. 2002). Therefore, petitioner may proceed with these claims.

ORDERED this 10 day of August, 2006.

  
HAYDEN HEAD  
CHIEF JUDGE